

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

CWP No.1847 of 2014

Date of Decision: 31.01.2014

Bhagwan Dutt

....Petitioner

Versus

State of Haryana and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. J.S. Rozera, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

The present petition has been filed under Article 226 of the Constitution of India for issuance of a writ in the nature of *certiorari* for quashing of condition No.5 of the impugned promotion order dated 28.08.2012, whereby, the petitioner was required to pass the typing test.

Learned counsel for the petitioner submits that the petitioner was initially appointed as *Mali* in the respondent-Department and thereafter, he was promoted to the post of *Clerk* vide order dated 28.08.2012. The promotion order was passed on the basis of seniority as well as five years' experience. The condition of clearing type test was also mentioned in the promotion order. Learned counsel also submits that a similar controversy arose in **CWP No.5566 of 1999** titled as **Prithvi Ram vs State of Haryana and others**, which was allowed on **03.09.2001** by the Division Bench of this Court and thereafter, the SLP against the said decision was also dismissed. Learned counsel further submits that the case of the present petitioner is squarely covered by the decision in the

said case. The petitioner has made a representation as well as served a legal notice upon the respondents but no action has been taken thereupon so far.

Learned counsel also submits that the petitioner would be satisfied, in case, the legal notice sent by the petitioner is decided, in view of the above said judgment of Division Bench of this Court within some specified period.

In view of the limited prayer made by learned counsel for the petitioner and without commenting anything on the merits of the case, the present petition is disposed of with a direction to respondents No.2 and 3 to consider the legal notice (Annexure P-8) and take necessary action in accordance with law as well as decision in **CWP No.5566 of 1999**, decided on **03.09.2001**.

The necessary exercise be done within a period of one month from the date of receipt of certified copy of this order.

The petition is disposed of accordingly.

31.01.2014
gurpreet

(DAYA CHAUDHARY)
JUDGE